United States District Court SOUTHERN DISTRICT OF NEW YORK SECURITIES AND EXCHANGE COMMISSION (List the full name(s) of the plaintIff(s)/petitioner(s).) 1:23_{CV} 07779 (MKV) -against-Application for the Court to Request Pro Bono Counsel JEREMY KOSKI (List the full name(s) of the defendant(s)/respondent(s).) I ask the Court to request a pro bono attorney to represent me in this action. In support of my application, I declare under penalty of perjury that the following information is true and correct: 1. Have you previously filed a "Request to Proceed in Forma Pauperis" (an IFP application)? Please check the appropriate box below: I have previously filed an IFP application in this case, and it is a true and correct representation of my current financial status. I have not previously filed an IFP application in this case and now attach an original IFP application showing my financial status. I have previously filed an IFP application in this case, but my financial status has changed. I have attached a new IFP application showing my current financial status. 2. Explain why you need an attorney in this case. (Please note that requests for pro bono counsel are rarely granted at the early stages of a case and usually not before the Court has issued a decision on the merits of the case.) If you asked for an attorney earlier in this case, please also explain what has changed since you last asked for an attorney. SEE EXHIBIT MARKED "A"

FEB 27 2024

3. Explain what steps you have taken to find an attorney and with what results. (Please identify the lawyers, law firms or legal clinics you have contacted and their responses to your requests. If you have limited access to the telephone, mail, or other communication methods, or if you otherwise have had difficulty contacting attorneys, please explain.)

I have attempted to call many SDNY/NDNY attorneys; However, due to the time difference, I must awake around 2-3AM where I either must wait for a call back or am not able to financially meet their conditions and/or retainer fees due to my income levels. I have tried many times and generally do not receive a call back, or am asked why I am calling New York if I am in Hawaii. It also causes sleep schedule disturbances and an inability to do anything else because of the 5/6 hour difference.

4. If you need an attorney was peak:	vho speaks a language other than E	nglish, state wh	at language(s) you
	comey volunteers to represent me an ney, the attorney may give this info	-	
	the Court grants this application, I teers to take my case and that there at me.	_	
7. I understand that if my arcase may be dismissed.	nswers on this application or in my	IFP application	are false, my
2/19/2024		Jems	Down
Date	Signature	 .	<u> </u>
KOSKI, JEREMY S	1		
Name (Last, First, MI)	·	Prison Identificati	on # (if incarcerated)
PO BOX 1424	KAPAAU	HI	96755
Address	City	State	Zip Code
808-203-0682	tanglede	31@proton	mail com

E-mail Address (if available)

Telephone Number

EXHIBIT "A"

I am indigent and do not have the means to afford an attorney on my own. Furthermore, I suffer from severe mental health conditions, which impair my ability to competently represent myself pro se against the SEC's allegations. My mental health limitations coupled with the complexities of securities litigation will seriously jeopardize my capacity to mount an adequate legal defense without assistance.

Further, The Americans with Disabilities Act (ADA) [42 U.S.C. § 12101 et seq.], Section 504 of the Rehabilitation Act [29 U.S.C. § 794], and the Due Process Clause [Goldberg v. Kelly, 397 U.S. 254 (1970)] underscore the imperative to provide assistance ensuring meaningful legal access for disabled or indigent individuals.

Under Social Security Act [42 U.S.C §406], appointment of pro bono counsel is necessary here to reasonably accommodate my disabilities given my mental health issues and financial constraints. Without such accommodation by the Court, I will effectively be denied full access to justice and ability to fairly contest the SEC's allegations. I respectfully ask the Court to exercise its discretion and appoint pro bono counsel to ensure my adequate legal representation.

MONTHLY EXPENSES JANUARY 2024

Total Income: \$2,882 Mortgage/Rent: \$750

Food: \$300

Telephone/Cell Phone/Cable/Internet/Other: \$400 Medical Expenses Not Covered by Insurance: \$200

Clothes, Personal Hygiene, etc.: \$100 Childcare / Child Support: \$500 Credit Card Payment: \$350

Total Expenses: \$2,900

my Social Security

Jeremy Koski Sign Out

Welcome, Jeremy!

You last signed in on December 28, 2023 at 11:20 PM ET.

- Your Social Security Statement You can download your statement as a PDF or an XML file.
- Your Benefit Verification Letter This is your proof of income letter.
- □ Replace Your Social Security Card
- ♣ Replace Your Tax Form SSA-1099/SSA-1042S
- Wage Reporting Submit Your Paystub Information

Benefits and Payments

Benefit Summary

\$2,882 total monthly benefit before deductions

⁹ View your payment history and overpayment details

Li Social Security (Disability)

Active

\$2,882 next payment before deductions

Next Payment Date: February 2, 2024

Payments are made on the 3rd of every month

Payments are made by Direct Deposit

Last payment: January 3, 2024

Monthly Benefit Amount:

\$2,882.00

Other Deductions:

-\$500.00

Last Payment Total:

\$2,382.00



Status: Enrolled

Part A (Hospital Insurance)

Your coverage started March 2020. Your monthly premium is \$0.00 (as of March 2020).

Part B (Medical Insurance)

Your coverage started March 2022. Your monthly premium is \$0.00 (as of March 2022).

For Part C (Medicare Advantage) and Part D (Medicare Prescription Drug Coverage) details, please contact Medicare for the status of your enrollment.

Replace your Medicare Card

Medicare Questions?

This information should not be used as proof of coverage. It is provided by the Center for Medicare Services and may not reflect recent updates. Please call 1-800-633-4227 or visit Medicare.gov for assistance. If you are deaf or hard of hearing, you may call the TTY number, at 1-877-486-2048.

Advance Designation of Representative Payee

You have the option to designate someone you trust to receive and manage your benefit payments in the event you become unable to do so yourself.

Case 1:24-cv-00105-MWJS-RT Document 24 Filed 02/28/24 Page 6 of 17 PageID.69

Manage Workspace - Social Security

Access Advance Designation of Representative Payee

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Review your full earnings record now

February 19, 2024

Honorable Mary Kay Vyskocil United States District Judge Southern District of New York 500 Pearl Street, Room 2230 New York, NY 10007

Re: Securities and Exchange Commission v. Koski, 23-cv-07779-MKV - Motion to Transfer for Forum Non Conveniens pursuant to 28 U.S.C. § 1404(a)

Your Honor,

I, Jeremy Koski, respectfully request that this Court consider transferring the venue of SEC v. Koski to the District of Hawaii pursuant to 28 U.S.C. § 1404(a). This request is grounded in considerations for convenience of parties and witnesses, interest of justice, my current health condition, financial situation, and logistical challenges significantly impacting my ability to participate in proceedings in New York.

28 U.S.C. § 1404(a), permits a transfer for the convenience of the parties and witness, and in the interest of justice, to "any civil action to any other district or division where [the civil action] might have been brought or to any district or division to which all parties have consented."

In the Second Circuit, courts consider several factors on a motion to transfer venue, including: "(1) the plaintiff's choice of forum, (2) the convenience to witnesses, (3) the location of relevant documents and ease of access to sources of proof, (4) the convenience of parties to the suit, (5) the locus of operative facts, (6) the availability of process to compet the attendance of unwilling witnesses, (7) the relative means of the parties, (8) the forum's familiarity with the governing law, (9) trial efficiency, and (10) the interest of justice, based on the totality of the circumstances."

Zohar CDO 2003-1, Ltd. v. Patriarch Partners, LLC, 620 B.R. 456, 467 (S.D.N.Y. 2020).

There is "no rigid formula for balancing these factors and no single one of them is determinative." Citigroup Inc. v. City Holding Co., 97 F. Supp. 2d 549, 561 (S.D.N.Y. 2000).

Instead, in light of a district court's "broad discretion" in deciding whether to transfer venue, it "must make [its] determination upon notions of convenience and fairness on a case-by-case basis."

Citicorp Leasing, Inc. v. United Am. Funding, Inc., 2004 WL 102761, at *2 (S.D.N.Y. Jan. 21, 2004).

Notably, in considering these factors, the court may consider factual material outside the pleadings. Mohsen v. Morgan Stanley & Co., 2013 WL 5312525, at *3 (S.D.N.Y. Sept. 23, 2013); Power Play 1 LLC v. Norfolk Tide Baseball Club. LLC, 2018 WL 357304, at *4 (S.D.N.Y. Jan. 9, 2018).

Transferring venue to the District of Hawaii would serve the interests of justice, and would result in a fairer resolution for the following reasons:

I. Litigating the Case in New York Presents an Extraordinary Inconvenience for the Defendant

The necessity to litigate this case in New York presents an extraordinary inconvenience primarily due to severe physical disabilities including but not limited to thoracic spinal fractures and related spinal issues, neuropathy, kyphosis, nerve disease/inflammation [mononeuritus multiplex] to name a few. These conditions severely impair my mobility and ability to travel long distances without significant pain and discomfort.

UNITED STATES DISTRICT COURT

(List the full name(s) of the plaintiff(s)/petitioner(s).)	1:23 _{CV} 0///9 (MKV)
-against-	Application for the Court to Request Pro Bono Counsel
JEREMY KOSKI	
(List the full name(s) of the defendant(s)/respondent(s).)	•
I ask the Court to request a pro bono attorney to represent me in this action. In support of my application, I declare under penalty of perjury that the following information is true and correct:	sent me in this action. In support of my following information is true and correct:
1. Have you previously filed a "Request to Proceed in Forma Pauperis" (an IFP application)? Please check the appropriate box below:	in Forma Pauperis" (an IFP application)?
I have previously filed an IFP application in this case, and it is a true and correct representation of my current financial status.	his case, and it is a true and correct
I have not previously filed an IFP application in this case and now attach an original IFP application showing my financial status.	in this case and now attach an original IFP
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SEE EXHIBIT MARKED "A"	

Rev. 3/27/14

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		4
	speak:	. If you need an attorney who speaks a language other than English, state what language(s) you
		what
ı		language(s)
		you

- I understand that if an attorney volunteers to represent me and that attorney learns that I can afford to pay for an attorney, the attorney may give this information to the Court.
- 6 I understand that even if the Court grants this application, I will receive pro bono counsel will volunteer to represent me only if an attorney volunteers to take my case and that there is no guarantee that an attorney
- .7 I understand that if my answers on this application or in my IFP application are false, my case may be dismissed

2/19/2024		James	Cook
Date	Signature	(,
KOSKI, JEREMY S			
Name (Last, First, MI)		Prison Identificatio	Prison Identification # (If incarcerated)
PO BOX 1424	KAPAAU	エ	96755
Address	City	State	Zip Code
308-203-0682	tangled	tangled61@protonmail.com	mail.com
Telephone Number	E-mail Address (if available)	s (if available)	

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EXHIBIT "A"

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MONTHLY EXPENSES JANUARY 2024

Mortgage/Rent: \$750 Total Income: \$2,882

Food: \$300

Telephone/Cell Phone/Cable/Internet/Other: \$400

Medical Expenses Not Covered by Insurance: \$200

Clothes, Personal Hygiene, etc.: \$100 Childcare / Child Support: \$500

Credit Card Payment: \$350

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Replace Your Tax Form SSA-1099/SSA-1042S

my Social Security

eremy Koski

Sign Out

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ou last signed in on December 28, 2023 at 11:20 PM ET.

- **}**+ ***** You can download your statement as a PDF or an XML file. Your Social Security Statement This is your proof of income letter. Your Benefit Verification Letter
- Replace Your Social Security Card
- Wage Reporting Submit Your Paystub Information

Benefit Summary

Benefits and

Payments

\$2,882 total monthly benefit before deductions

View your payment history and overpayment details

Need to update your contact or direct deposit information? Go to . My Proj

◆ Get Help

Manage Workspace - Social Security

園 Social Security (Disability)

Active

\$2,882 next payment before deductions

Next Payment Date: February 2, 2024

Payments are made by Direct Deposit Payments are made on the 3rd of every month

Last payment: January 3, 2024

Monthly Benefit Amount Other Deductions

Last Payment Total:

\$2,882.00 -\$500.00

\$2,382.00

Status: Enrolled

Medicare

Enrollment Details

Part A (Hospital Insurance)

Your coverage started March 2020. Your monthly premium is \$0.00 (as of March 2020).

Part B (Medical Insurance)

Your coverage started March 2022. Your monthly premium is \$0.00 (as of March 2022).

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Replace your Medicare Card

Medicare Questions?

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Advance Designation of Representative Payee

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Review your full earnings record now

February 19, 2024

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Re: Securities and Exchange Commission v. Koski, 23-cv-07779-MKV - Motion to Transfer for Forum Non Conveniens pursuant to 28 U.S.C. § 1404(a)

Your Honor,

and logistical challenges significantly impacting my ability to participate in proceedings in New York. I, Jeremy Koski, respectfully request that this Court consider transferring the venue of SEC v. Koski to the District of Hawaii pursuant to 28 U.S.C. § 1404(a). This request is grounded in considerations for convenience of parties and witnesses, interest of justice, my current health condition, financial situation,

28 U.S.C. § 1404(a), permits a transfer for the convenience of the parties and witness, and in the interest of justice, to "any civil action to any other district or division where [the civil action] might have been brought or to any district or division to which all parties have consented."

facts, (6) the availability of process to compel the attendance of unwilling witnesses, (7) the relative means of the parties, (8) the forum's familiarity with the governing law, (9) trial efficiency, and (10) the interest of justice, based on the totality of the circumstances."

Zohar CDO 2003-1, Ltd. v. Patriarch Partners, LLC, 620 B.R. 456, 467 (S.D.N.Y. 2020). ease of access to sources of proof, (4) the convenience of parties to the suit, (5) the locus of operative In the Second Circuit, courts consider several factors on a motion to transfer venue, including: "(1) the plaintiffs choice of forum, (2) the convenience to witnesses, (3) the location of relevant documents and

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Transferring venue to the District of Hawaii would serve the interests of justice, and would result in a fairer resolution for the following reasons:

I. Litigating the Case in New York Presents an Extraordinary Inconvenience for the Defendant

neuropathy, kyphosis, nerve disease/inflammation [mononeuritus multiplex] to name a few. These conditions severely impair my mobility and ability to travel long distances without significant pain and severe physical disabilities including but not limited to thoracic spinal fractures and related spinal issues The necessity to litigate this case in New York presents an extraordinary inconvenience primarily due to

condition who provide ongoing treatment essential for managing my disabilities. Traveling would not only transfer venue is the convenience to the parties in the suit. flights and potential interruptions in medication schedules. One factor considered by courts on a motion to disrupt this care but could also pose significant health risks given complications associated with long Moreover, I rely on a medical support network in Hawaii consisting of professionals familiar with my

Zohar CDO 2003-1, Ltd. v. Patriarch Partners, LLC, 620 B.R. 456, 467 (S.D.N.Y. 2020)

assistance to help with my daily routine. I do not drive and rely on others for transportation. There are also matters of psychotherapy, psychiatry, medicine, and controlled medications with [high] dependency Medicare, Medicaid, and Social Security Disability Insurance (SSDI). My insurance provides in-home walking, sitting, standing, bending, kneeling, etc. I have multiple thoracic spinal fractures, severe kyphosis, a neurological nerve disorder affecting mobility, and require professional healthcare which I I have substantial physical and mental health issues that prevent me from normal activities, including routinely access each month. As deemed by the Social Security Administration, I am fully disabled, or Travel not only could, but will jeopardize access to medications and continuity of care

II, The Defendant is Indigent

additional factor to be considered in evaluating a motion to transfer is the relative means of the parties. Zohar CDO 2003-1, Ltd. V. Patriarch Partners, LLC, 620 B.R. 456, 467 (S.D.N.Y. 2020) proceedings across the country—let alone secure adequate legal representation without assistance. An As an indigent individual, I am unable to afford travel expenses associated with attending court

Expenses as of January 2024

Mortgage/Rent: \$750 Total Income: \$2,882

Food: \$300

Telephone/Cell Phone/Cable/Internet/Other: \$400

Medical Expenses Not Covered by Insurance: \$200

Clothes, Personal Hygiene, etc.: \$100 Childcare / Child Support: \$500 Credit Card Payment: \$350

III. Justice Cannot Be Served If Forced to Litigate Outside Hawaii Due to Existing Restrictions

transfer serves the interest of justice based on the totality of the Zohar CDO 2003-1, Ltd. v. Patriarch Partners, LLC, 620 B.R. restricting my movement outside local jurisdiction related to legal matters and/or medical advisories based on aforementioned health conditions. While evaluating motions to transfer, courts consider whether the transfer serves the interest of justice based on the totality of the circumstances. Compelling me to participate in litigation outside Hawaii imposes undue hardship given court orders 456, 467 (S.D.N.Y. 2020)

where local support systems are available resources Moreover, representing myself pro se from such distance severely limits access to necessary legal or timely advice, challenges that would be mitigated were proceedings conducted within Hawaii

Transferring venue in this case not only considers practical issues, but embodies fundamental tenets of justice by recognizing disproportionate burdens placed on individuals related to health or economic Alongside this motion to transfer under forum non conveniens per 28 U.S.C §1404(a), I respectfully

request consideration for appointment of pro bono counsel equipped to handle complex securities litigation in an accessible jurisdiction, ensuring a fair opportunity to defend against the SEC's allegations

IV. Legal Accommodations for Those with Disabilities

Moreover, indigent and disabled individuals may request appointment of counsel to ensure effective access to judicial proceedings. While dealing with different factual contexts, courts have articulated principles suggesting counsel is vital where disability impedes self-representation. For example, in Vidal v. Harris, 537 F. Supp. 23 (S.D.N.Y. 1981), the court found severely impaired disability benefits claimants applies here. appointing counsel when disability benefits are denied to ensure proceedings developing the record are fair. 42 U.S.C. § 406. The reasoning behind such provisions, ensuring access to justice for the disabled, cannot be expected to represent themselves adequately. Similarly, the Social Security Act contemplates

As such, in conjunction with this motion to transfer venue, I respectfully request appointment of pro bono legal counsel to assist in securities litigation given health conditions severely limiting my ability to represent myself pro se from Hawaii in New York proceedings.

Sincerely, Jeremy Koski

PRESS FIRMLY TO SEAL

FROM:

RDC 03

KAPAAU, HI 96755 FEB 20, 2024

PRIORITY MAIL .EGAL FLAT RATE ENVELOPE .POSTAGE REQUIRED

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